

**REMARKS**

This communication is a full and timely response to the Restriction Requirement of the Office Action dated August 19, 2004 (Paper No./Mail Date 20040817), the period of response being extended through a Petition for One Month Extension of Time submitted herewith. By this communication, Applicant has made a species election and preliminarily amended the claims. In the Preliminary Amendment, the title, specification, drawings, and claims have been amended.

The title has been amended to "Optical Pickup Device and Optical Disk Device Having A Diffraction Grating." The specification has been amended to correct minor informalities, and Figs. 1-7 have been amended to include a "Prior Art" legend. No new matter has been added.

Claims 1-5 and 11-13 have been canceled without prejudice. Claims 6-10 and 14-16 have been amended to improve idiomatic English and address other formal matters. No new matter has been added.

Claims 17-26 have been added. Support for the subject matter recited in claims 17-26 can be found variously throughout the specification, for example, at page 28, lines 1-18. No new matter has been added.

Claims 6-10 and 14-26 are pending where claims 6-10 and 14-16 are independent.

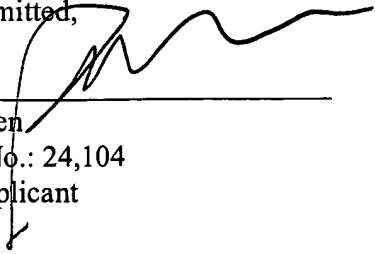
**Election of Species**

In the above-mentioned Office Action, the Examiner alleged that the claims of the instant invention were directed to five (5) patentably distinct species (a)-(e). Applicant hereby provisionally elects species (c), which is directed to original claims 6-10 and 14-16. As noted above, Applicant has added claims 17-26, which are readable on the elected species (c). Under 37 CFR 1.53(b), Applicant, of course, reserves the right to file divisional applications covering the subject matter of each non-elected group.

Applicant believes that claims 6-10 and 14-26 are in condition for allowance.  
Accordingly, the Examiner is respectfully requested to pass this application to issue.

Dated: September 30, 2004

Respectfully submitted,

By   
Ronald P. Kananen  
Registration No.: 24,104  
Attorneys for Applicant

**RADER, FISHMAN & GRAUER, PLLC**

Lion Building  
1233 20<sup>th</sup> Street, N.W., Suite 501  
Washington, D.C. 20036  
Tel: (202) 955-3750  
Fax: (202) 955-3751  
Customer No. 23353

Enclosure(s): Four (4) sheets of Replacement Drawings (FIGS. 1-7)  
Four (4) sheets of Annotated Drawings showing changes (FIGS. 1-7)

**AMENDMENTS TO THE DRAWINGS**

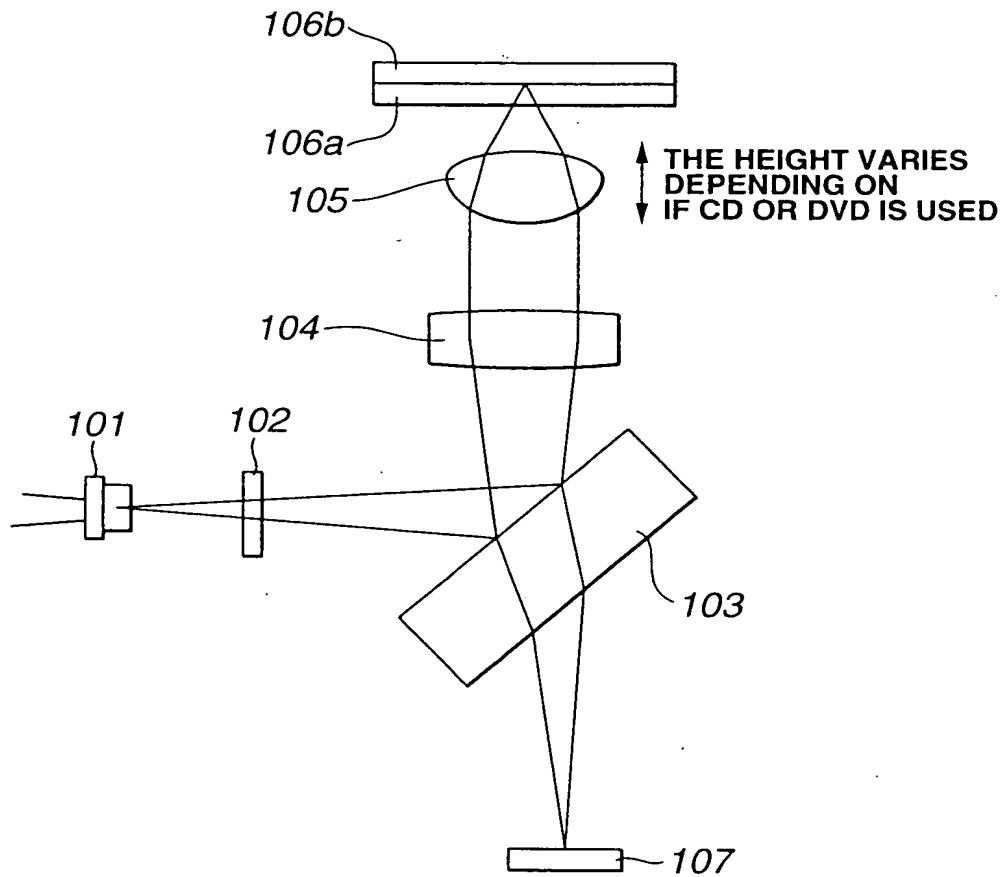
The four (4) attached replacement sheets of drawings include changes to Figs. 1-7. The changes to each of these Figures are as follows:

Sheet 1 includes Fig. 1. A prior art legend designation has been added to this figure.

Sheet 2 includes Figs. 2 and 3. A prior art legend designation has been added to each of these figures.

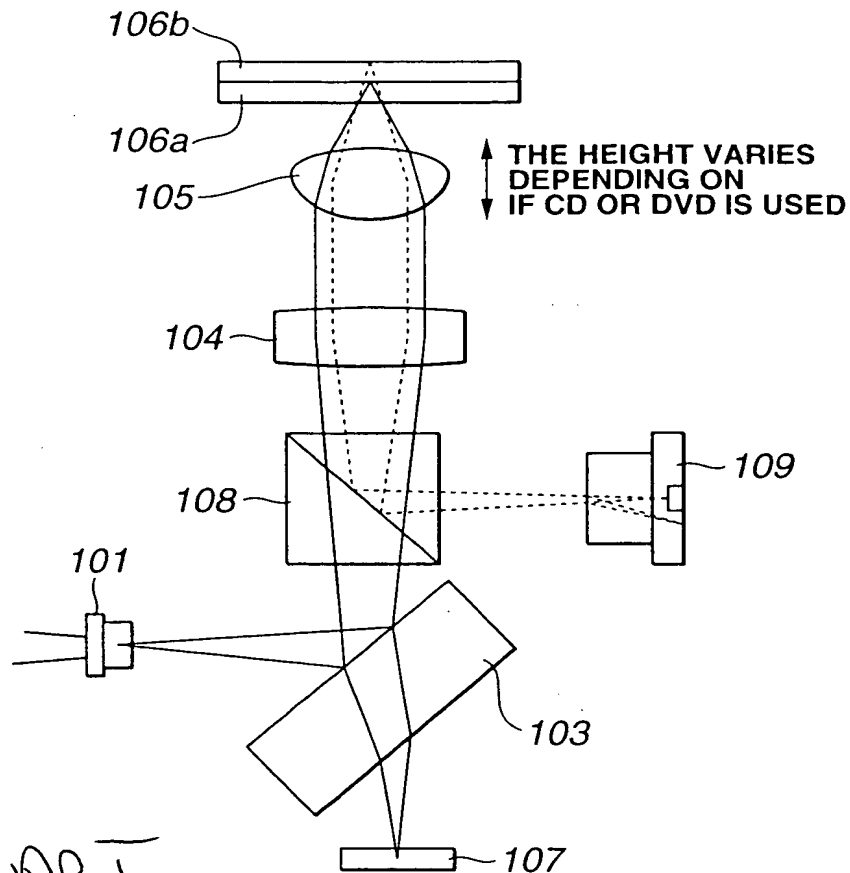
Sheet 3 includes Figs. 4 and 5. A prior art legend designation has been added to each of these figures.

Sheet 4 includes Figs. 6 and 7. A prior art legend designation has been added to each of these figures.



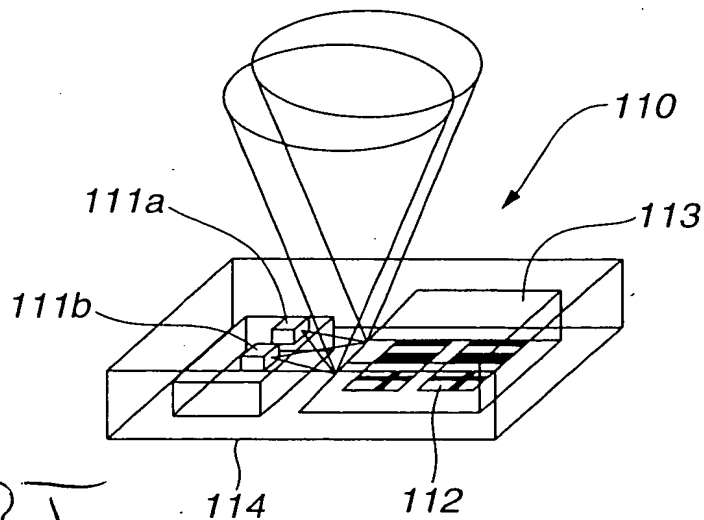
PRIOR ART

**FIG.1**



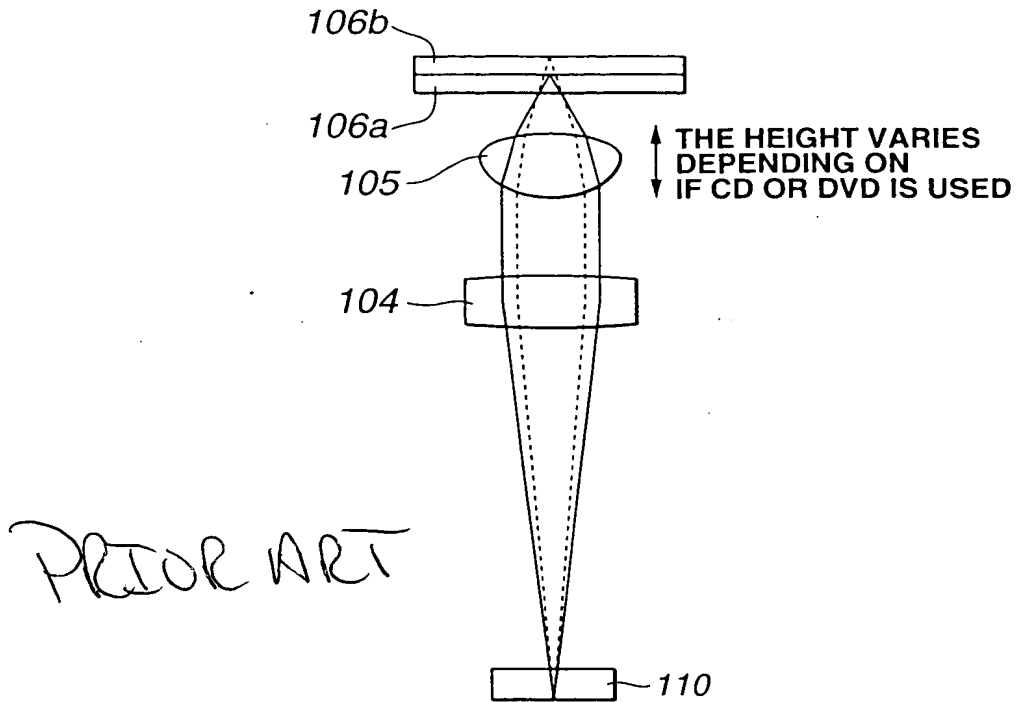
PRIOR ART

**FIG. 2**

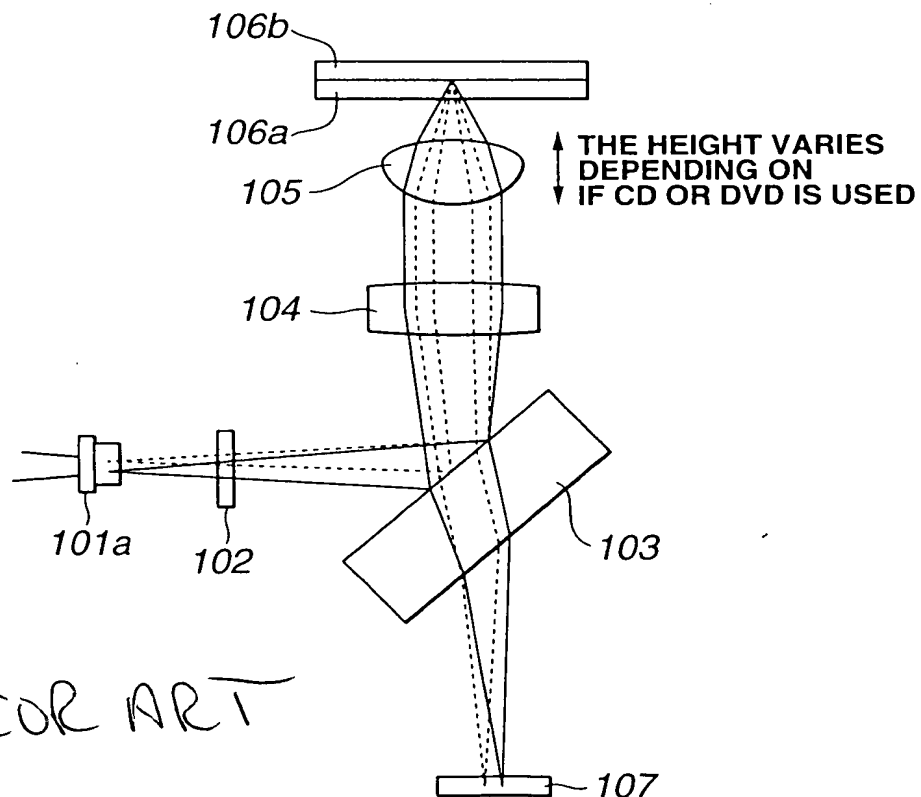


PRIOR ART

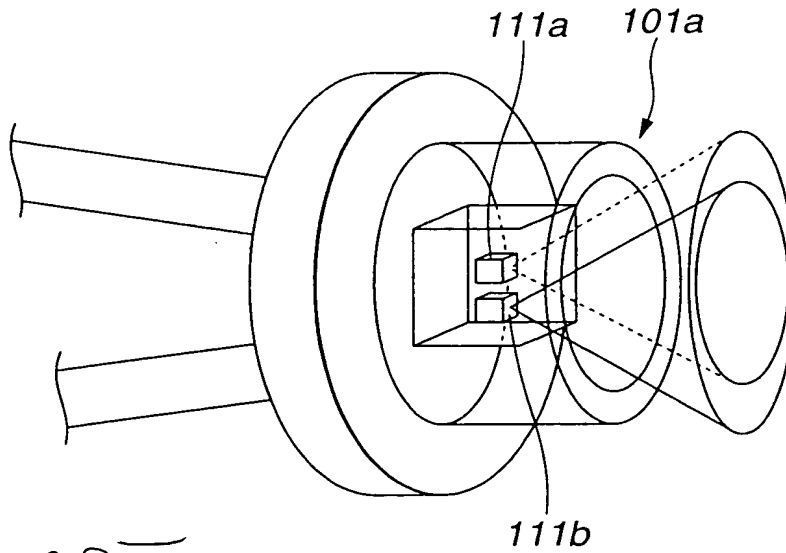
**FIG. 3**



**FIG.4**

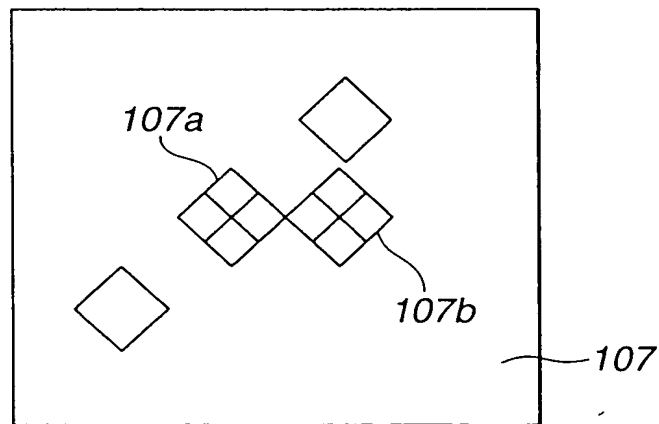


**FIG.5**



PRIOR ART

**FIG. 6**



PRIOR ART

**FIG. 7**